

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW JEFFEREY CHASE and RICKY
CHAVEZ HERNANDEZ,

Defendants.

CASE NO. CR21-0100-JCC

ORDER

This matter comes before the Court on Defendant Rickey Chavez Hernandez's unopposed¹ motion to continue trial (Dkt. No. 44). Defendants are charged by Indictment with Conspiracy to Distribute Fentanyl, two counts of Distribution of Fentanyl, and one count of Possession of Fentanyl with Intent to Distribute. (Dkt. No. 25.) Trial is scheduled for August 9, 2021. (Dkt. Nos. 34, 35.) Mr. Chavez Hernandez seeks a continuance to December 13, 2021. (Dkt. No. 44 at 1.) He indicates that additional time is necessary to review discovery and adequately prepare for trial. (*Id.* at 1–2.) The Court further notes that counsel for Mr. Chase recently withdrew and was replaced in late July. (*See* Dkt. No. 43.) Therefore, the Court

¹ Mr. Chavez-Hernandez represents that the Government does not oppose. (*See* Dkt. No. 44 at 1.) Moreover, neither the Government nor Defendant Matthew Jefferey Chase have filed opposition briefs within the timeframe permitted by the Local Rules. *See* W.D. Wash. Local Crim. R. P. 12(b)(2). Therefore, the Court considers the motion unopposed by all parties.

1 anticipates that Mr. Chase's counsel requires additional time to review discovery, discuss the
2 matter with this client, and prepare for trial. Moreover, even if Mr. Chase had lodged a timely
3 objection to Mr. Chavez-Hernandez's motion, a reasonable trial continuance as to any defendant
4 tolls the Speedy Trial Act period as to all joined co-defendants, even those who object to a trial
5 continuance or who refuse to submit a waiver under the Speedy Trial Act. *See* 18 U.S.C.
6 § 3161(h)(6); *United States v. Messer*, 197 F.3d 330, 337 (9th Cir. 1999).

7 Having thoroughly considered the motion and the relevant record, the Court FINDS that
8 the ends of justice served by granting a continuance outweigh the best interests of Defendants
9 and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). Taking into account the exercise
10 of due diligence, the failure to grant a continuance would deny counsel for Defendants
11 reasonable time necessary for effective preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and
12 would therefore result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).

13 Accordingly, the Court GRANTS Mr. Chavez Hernandez's motion (Dkt. No. 44) and
14 ORDERS:

- 15 1. The August 9, 2021 jury trial is CONTINUED until December 13, 2021.
- 16 2. The pretrial motions deadline is CONTINUED until November 12, 2021.
- 17 3. The period from the date of this order until December 13, 2021 is an excludable time
18 period under 18 U.S.C. § 3161(h)(7)(A).

19 DATED this 2nd day of August 2021.

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23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
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